

HOUSE BILL 1179

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9lr0359

By: **Delegate Rosenberg**

Introduced and read first time: February 8, 2019

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection – Disclosure of Expunged or Shielded Criminal Records –**
3 **Prohibition and Penalties**

4 FOR the purpose of prohibiting a certain person from providing, disseminating, sharing, or
5 otherwise disclosing a criminal record that has been expunged or shielded under
6 certain provisions of law; making a violation of this Act an unfair or deceptive trade
7 practice under the Maryland Consumer Protection Act and subject to certain
8 enforcement and penalty provisions; providing for the application of this Act; and
9 generally relating to the dissemination of expunged or shielded criminal records.

10 BY repealing and reenacting, with amendments,
11 Article – Commercial Law
12 Section 13–301(14)(xxxi)
13 Annotated Code of Maryland
14 (2013 Replacement Volume and 2018 Supplement)

15 BY adding to
16 Article – Commercial Law
17 Section 14–1327
18 Annotated Code of Maryland
19 (2013 Replacement Volume and 2018 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
21 That the Laws of Maryland read as follows:

22 **Article – Commercial Law**

23 13–301.

24 Unfair, abusive, or deceptive trade practices include any:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (14) Violation of a provision of:
2 (xxxi) Section 14-1326 OR **§ 14-1327** of this article;
3 **14-1327.**

4 (A) (1) THIS SECTION APPLIES TO A PERSON REGULARLY ENGAGED IN
5 THE BUSINESS OF COLLECTING, ASSEMBLING, EVALUATING, OR DISSEMINATING
6 CRIMINAL RECORDS OF INDIVIDUALS FOR A FEE.

7 (2) THIS SECTION DOES NOT APPLY TO A STATE OR FEDERAL
8 GOVERNMENTAL ENTITY.

9 (B) A PERSON MAY NOT PROVIDE, DISSEMINATE, SHARE, OR OTHERWISE
10 DISCLOSE A CRIMINAL RECORD THAT HAS BEEN EXPUNGED OR SHIELDED UNDER
11 TITLE 10, SUBTITLES 1 AND 3 OF THE CRIMINAL PROCEDURE ARTICLE.

12 (C) A VIOLATION OF THIS SECTION IS:

13 (1) AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE
14 MEANING OF TITLE 13 OF THIS ARTICLE; AND

15 (2) SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS
16 CONTAINED IN TITLE 13 OF THIS ARTICLE.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2019.